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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/642,784	08/22/2000	Minoru Arimura	43890-432	2433

7590 03/14/2003

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EXAMINER

CHOW, CHARLES CHIANG

ART UNIT PAPER NUMBER

2684

DATE MAILED: 03/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/642,784

Applicant(s)

ARIMURA ET AL.

Examiner

Charles Chow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Detailed Action

Priority

1. It is acknowledged that this application claims the foreign priority benefit from Japan 11-235,049.

Claims

2. Claims 6, 14-16 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 6 is dependent upon claim 1, 2, 3, 4, or 5; the multiple dependent claims 14-16 is dependent upon claim 9, 10, 11, 12, or 13. See MPEP § 608.01(n).

The dependency for claims 6, 14-16 are not clearly specified without confusion of the possible multiple dependency. See MPEP 608.01(n) for examples. Correction is required. For this office action, claim 6 is examined according to any one of the claims in 1-5; and claims 14-16 are examined according to any one of the claims in 9-13.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 7, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crisp (US 6,282,436 B1) in view of Kim (US 6,359,984 B1).

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Regarding **claim 1**, Crisp discloses a portable telephone apparatus (figure in cover page) having a slide cover sleeve 3 (figure in cover page, col. 2, lines 27-36; in below, Kim teaches the flip lid).

Crisp discloses a portable telephone apparatus comprising a radio circuit section for transmitting and receiving a signal to/from a radio base station; and a radio control circuit for controlling said radio circuit section (the microprocessor 7 in Fig. 2, as the radio control circuit for controlling the radio circuit, transceiver 7 to/from the base station, col. 3, lines 31-35).

Crisp discloses a radio control circuit section changes a responding method for responding to an incoming call when opening the flip lid is determined based on a detection result by said flip lid state detecting circuit (the slide cover is open for using key 11a to answering the incoming call, and using multiple-purpose key 16 for answering incoming call when slide cover is detected to be closed, col. 4, lines 15-43, for changing the responding method for responding to an incoming call when detecting the slide cover changes the position). Further, Crisp discloses of using of any key to answering the incoming call when slide cover is open (col. 6, line 63 to col. 7, line 15).

Crisp does not clearly indicate the flip lid, and the circuit for detecting an opening/closing state of the flip lid, although Crisp discloses the detection circuit for the sliding cover's position (in col. 3, line 53 to col. 4, line 19; and the method shown in Fig. 4-12).

Kim teaches the flip lid 102 (as shown in figure of cover page, Fig. 5-7, col. 3, lines 16-35) for switching the voice output from first speaker 118 to second speaker 124 (Fig. 2) for

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automatically answering the incoming call (col. 1, line 50 to col. 2, line 5). Kim teaches the flip lid detecting circuit for detecting an opening/closing state of the flip lid (in Fig. 1-4, col. 4, lines 26-51, using the reed switch 120 for the microprocessor to switch in between the speakers 118, 124). Kim provides the technique for conveniently answering the incoming call by sensing the flip cover is open or closed for selecting different speakers for automatically answering call without opening the flip cover (col. 1, line 50 to col. 2, line 5). It is therefore obvious, ~~in the art~~, to include Kim's sensing the flip cover position for selecting different speakers, to Crisp. By doing so, Crisp's portable telephone could efficiently answering call by using the second speaker. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Crisp to include Kim's flip cover position sensing for selecting different speakers, such that the portable telephone could efficiently answering call by using the second speaker without flip the cover.

Regarding **claim 7**, Crisp discloses the control circuit section changes the responding method for responding the incoming call, using key 11a or key 16, depending upon the position of the slide cover, as shown above. Crisp discloses the answering of incoming call from pressing the predetermined key 11a to a plurality of predetermined key which is the any key could answering the incoming call when slide cover is open (as shown above in col. 6, line 63 to col. 7, line 15).

Regarding **claim 9**, a changing method of a responding, Crisp and Kim has shown above for the changing method of responding to answering call based on the flip cover and detecting of the flip cover's position for determining an opening/closing state of the flip cover lid from

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Kim; Crisp and Kim both have shown the changing responding method for responding to an incoming call when open the flip lid is determined, for using different key 11a or any key (Crisp), or second speaker (Kim). Crisp and Kim has shown their changing method in their specifications and figures for teaching the changing method, as cited in the relevant figures, columns, above, for explaining how the changing method is performed.

4. Claims 2, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crisp in view of Phillips (US 5,987,311).

In the above it does not clearly indicate the antenna state detecting circuit and the changes a responding method for responding to an incoming call based on antenna detection.

Regarding **claim 2**, Phillips teaches a portable cellular telephone (abstract) having the antenna detection circuit (figure in cover page) for detecting an extending/contraction state of the extensible antenna (col. 4, lines 15-43) for enabling/disabling keypad 16 for answering call. Phillips teaches the changes of a responding method for responding incoming based upon the detected antenna position (as shown in col. 6, lines 53-58, the incoming telephone call will be answered by extending the antenna to the extending state). Further, Phillips teaches the software could be configured for answering call when the antenna's position is changed, does not matter with the antenna's position is at extended or closed position (col. 5, lines 27-31). Phillips provides the solution for conveniently answering the incoming call based on the antenna position (col. 1, line 55 to col. 2, line 66), and using software, such that user could efficiently answer the incoming call. It is apparently obvious to include Phillips'

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software for configuring to answering incoming call based upon antenna's position change, to Crisp. By doing so, the portable telephone could efficiently answer the incoming call by changing the antenna's position. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Crisp, and to include Phillips' software for configuring to answering incoming call based upon antenna's position change, such that the portable telephone could efficiently answering the incoming call by changing the antenna's position.

Regarding a radio circuit for transmitting and receiving a signal to/from a radio base station, and a radio control circuit section for controlling said radio circuit; referring to examiner's comment in claim 1 above, from Crisp.

Regarding **claim 10**, the changing method of a responding, referring to examiner's comment in claim 2 above for the changing method of a responding to answering incoming call, from Crisp and Phillips, in their figures, specifications for explaining of how the method is performed.

5. Claims 3, 8, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crisp in view of Kim, and further in view of Paterson et al. (US 5,557,653).

In the above it does not clearly indicate the earphone.

Regarding **claim 3**, Paterson teaches a radio circuit section for transmitting and receiving (Rx 109, Tx 108, in figure of cover page). Paterson teaches a radio control circuit for controlling the radio circuit section (the microprocessor 121 as shown in figure of cover page). Paterson

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teaches a plug detecting circuit for detecting a state of putting a plug into the earphone jack (111, figure in cover page, col. 4, lines 21-27) for detecting the insertion of the headset 102, to allow user to answer call without touching the wireless telephone (col. 2, lines 53-59).

Paterson teaches the radio control circuit section changes a responding method for responding to an incoming call when putting the plug is determined based on detection result by said plug detecting circuit (the detecting of headset is inserted for selectively enabling headset speaker 116, and selectively enabling handset's speaker 106 when headset is not plugged in the jacket 111; figure in cover page and Fig. 3, steps 302, 304, 316, 505, 315 for the method of changing a responding to answering the incoming call based on the presence or absence of the headset 102's speaker 116, earphone). Paterson provides the solution for allows user to answering call using headset, and monitoring of the presence/absence of the headset detection result (abstract), such that the user could answer call without touching the telephone device (shown above, in col. 2, lines 53-59). It is therefore, obvious, if one is to include Paterson's allowing user to answering call using headset, such that the user could simply answer call without touching the telephone device, by using the headset. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention, essentially if not obvious, to modify and include Paterson's allowing user to answering call using headset, to Crisp as modified above, such that the user could simply answer call without touching the telephone device, by using the headset.

Regarding transmitting or receiving signal to/from a radio base station, referring to Crisp above in claim 1.

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Regarding **claim 8**, Paterson has shown above the automatic responding method for answering of incoming call without touching the wireless telephone, for the changing method from manual responding in Crisp using key 11a or key 16, to automatic responding in Paterson. Besides, Phillips has shown the extending of the antenna would automatically answering incoming call. Further more, in below, claim 6, Ulveland also teaches the manual responding by pressing pre-programmed key before timer expiring, and the automatic responding to incoming call if no key being pressed after timer expired.

Regarding **claim 11**, a changing method for responding method, which has been shown above in the figures, specification from Crisp, and from Paterson's steps in Fig. 3 for the headset 102, earphone, for changing the method for answering the incoming call based on the detected plugged in state of the headset at jack 111.

6. Claims 4, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crisp-'436 B1 in view of Phillips-'311, and further in view of Paterson-'653.

Regarding **claim 4**, Phillips, has shown above, teaches the antenna state detecting circuit for detecting an extension/contraction state of the antenna for changing a responding method for responding to an incoming call based on the detected antenna position, such that the user could conveniently answer the incoming call.

Paterson, has shown above, teaches a plug detecting circuit for headset, earphone, for changing a responding method for responding to an incoming call by putting the plug to the

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jack 111. As shown above, Paterson provides the solution for allows user to answering call using headset, and monitoring of the presence/absence of the headset detection result (abstract), such that the user could answer call without touching the telephone device (shown above, in col. 2, lines 53-59). It is therefore, apparently obvious to include Paterson's allowing user to answering call using headset, to Phillips, such that the user could simply answer call without touching the telephone device, by using the headset. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Phillips, and to include Paterson's allowing user to answering call using headset, such that the user could simply answer call without touching the telephone device, by using the headset.

Regarding transmitting or receiving signal to/from a radio base station, referring to Crisp above in claim 1.

Regarding **claim 12**, the changing method of responding, referring to examiner's comment above in claims 2, 3 from Phillips and Paterson, for the changing method as shown above, in Phillips' figures, specifications for explaining of how the changing method is performed for answering call based on the antenna position. Paterson has shown above for the changing method as shown in his figure of cover page, steps in Fig. 3, for the changing the responding based upon the antenna extension and the putting the plug in jack for earphone.

7. Claims 5, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crisp-'436 B1 in view of Paterson-'653 and further in view of Phillips-'311.

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Regarding **claim 5**, Phillips, has shown above, teaches the antenna freely loaded, unload, for responding to detected antenna position for answering call, for changing the responding method by configuring the software to answer the incoming call, as shown above.

Paterson teaches a plug detecting circuit for headset, earphone, for changing a responding method for responding to an incoming call by putting the plug to the jack 111. As shown above, Paterson provides the solution for allows user to answering call using headset, and monitoring of the presence/absence of the headset detection result (abstract), such that the user could answer call without touching the telephone device (shown above, in col. 2, lines 53-59). It is therefore, apparently obvious, to include Paterson's allowing user to answering call using headset, to Phillips, such that the user could simply answer call without touching the telephone device, by using the headset. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Phillips, and to include Paterson's allowing user to answering call using headset, such that the user could simply answer call without touching the telephone device, by using the headset.

Regarding transmitting or receiving signal to/from a radio base station, referring to Crisp above in claim 1.

Regarding **claim 13**, a changing method of a responding method, based on the antenna's positions from Phillips above, in his figures, specifications for explaining of how the changing method of a responding to incoming call is performed. Kim and Crisp has shown above of the changing method of responding method in their figures, specification for explaining of how the changing method for responding incoming call based on the flip, slide cover's positions.

8. Claims 6, 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crisp-‘436 B1 in view of Kim, and further in view of Ulveland (US 6,215,993 B1).

Regarding **claim 6**, Ulveland teaches a timer used for releasing the changed responding method after a predetermined time (in col. 5, lines 18-35; for the automatically answering incoming call after the preview timer is expired and user has not press any key input yet, for previewing of the caller's ID, col. 2, lines 1-18, Fig. 1, 2, 6, 7). The user can activate preprogrammed responding key during the preview time period, for changing the answering method as shown in col. 2, line 14-18; col. 5, lines 28-35). Ulveland provides the techniques for answering incoming call with predetermined preview time for allow user verifying caller's ID, for pressing preprogrammed key for answering incoming call. It is therefore apparently obvious, to include Ulveland's techniques above, such that the system could be upgraded for incoming call security, by allowing a previewing period for caller's ID for selectively answering incoming call with preprogrammed key. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention, essentially if not obvious, to modify Crisp as modified above, and to include Ulveland's answering incoming call with predetermined preview timer for allowing user to verify caller's ID, and pressing pre-programmed key for answering call, such that the system could be upgraded for incoming call security, by allowing a previewing period for caller's ID for selectively answering incoming call with preprogrammed key.

Regarding **claim 14**, a changing method for releasing the changed responding after the timer expires, which has shown above in claim 6, Ulveland has explained the method in his steps in Fig. 6, 7 for the changing method of using the previewing timer for caller ID for answering call.

Regarding **claim 15**, a changing method from pressing a predetermined specific key to plurality of any keys, Crisp has explained the changing method, in claim 7 above, for using the specific key 11a, the any keys, for answering incoming call in the specifications and figures.

Regarding **claim 16**, a changing method from manual responding to automatic responding, Paterson has shown above the automatic responding method for answering of incoming call without touching the wireless telephone, for the changing method from manual responding in Crisp using key 11a or key 16, to automatic responding in Paterson. Besides, Phillips has shown the extending of the antenna would automatically answer the incoming call. Furthermore, Ulveland also teaches the manual responding by pressing pre-programmed key before timer expiring, and the automatic responding incoming call if no key being pressed after timer expired.

Conclusion

9. In the above disclosure, Crisp discloses a portable telephone having a slide cover sleeve 3. Crisp discloses a radio control circuit microprocessor 7 in Fig. 2, for controlling the radio circuit, transceiver 7 to/from the base station. Crisp discloses the slide cover is open for using key 11a to answering the incoming call, and using multiple-purpose key 16 for answering incoming call when slide cover is closed. Besides, Crisp discloses of using any key to

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answering the incoming call when slide cover is open. Kim teaches the technique for conveniently answering the incoming call by sensing the flip cover is open or closed for selecting different speakers for automatically answering call without open the flip cover. Kim teaches the answering call without opening the flip cover. Phillips teaches the extending of the antenna would automatically answer the incoming call. Phillips teaches the software for configuring to answering incoming call based upon antenna's position change. Paterson teaches the automatic method for answering incoming call by sensing the headset, earphone, has been connected to the device, and using the headset to answer the incoming call. Ulveland teaches the answering incoming call with predetermined preview timer for allowing user to verify caller's ID, and pressing pre-programmed key for answering call.

10. The cited pertinent prior arts are listed below:

- A. US 5,175,759, December 1992, Metroka et al. teaches the portable communication device has timer. When the flip is reopens and closes again, the device changed the method for answering to the incoming call from the speakerphone mode to the private internal speaker, microphone (col. 7, line 62 to col. 9, line 19).
- B. US 6,073,027, June 2000, Norman et al. teaches the sliding cover for slide open to answering the call and slide close to disconnect the telephone call, abstract, summary of invention.
- C. US 5,448,251, September 1995, Gerszberg et al. teaches the automatically extending the antenna once the flip 3, with microphone 7, is open, abstract, figure in cover page, summary of invention.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Chow whose telephone number is (703)-306-5615.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Hunter, can be reached at (703)-308-6732.

Any response to this action should be mailed to:

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or faxed to: (703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Charles Chow

February 26, 2003.